

## CLASSIFICATION OFFICE DECISION

**Title of publication:** New Zealand's Darkest Day?

**Other known title(s):** Not stated

**OFLC ref:** 2000109.000

**Medium:** Text File

**Publisher:** Not stated

**Country of origin:** Aotearoa New Zealand

**Language:** English

**Applicant:** Commissioner of Police

<b>Classification:</b>	Objectionable except if the availability of the publication is restricted to persons who have attained the age of 18 years.
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**Descriptive note:** None

**Display conditions:** None

**Date of entry in Register:** 15 April 2020

**Date of direction to issue a label:** No direction to issue a label has been issued

**Date of notice of decision:** 15 April 2020

### Summary of reasons for decision:

'New Zealand's Darkest Day?' is a lengthy text document that deals with the Christchurch mosque attacks that took place on 15 March 2019. The document has 221 numbered pages (excluding the cover) and appears to be the work of a single person who believes the public are being misled by the official version of events. The document essentially functions as a piece of 'false flag' conspiracy propaganda with the creator claiming the atrocity was staged in order to further a vague but sinister political agenda. Whilst the Classification Office recognises the potential harm in the misleading and inaccurate claims made in this document, the Films, Videos, and Publications Classification Act 1993 (FVPC Act) does not regulate political speech or the expression of opinions and misinformation. Nor can a publication be restricted or banned under this legislation for expressing ill-informed, offensive or biased views. The classification decision wholly rests on the content that is within the criteria of the FVPC Act – specifically the manner in which the publication deals with the Christchurch mosque attacks and its perpetrator, and the context in which material from two publications that have been previously classified as objectionable – 'Christchurch Mosque Attack Livestream' and 'The Great Replacement' – are presented. It should be noted that the objectionable classifications of these publications in their entireties does not mean that every still, clip or excerpt from them is also automatically considered objectionable. The creator of the document dissects the 'Christchurch Mosque Attack Livestream' in detail in an effort to discredit the violent actions as historical fact. Numerous stills from the livestream contain imagery of victims. In other historical or analytical contexts imagery of atrocities are unlikely to be restricted because of their evidentiary value and

historical importance. However, given that the stills depict New Zealand residents killed in a real and very recent terrorist event, the Classification Office considers that the imagery is unlikely to be viewed dispassionately and in a historical context by a younger audience without causing them significant harm. The Classification Office is aware that discussions of the events of 15 March 2019 have a strong impact on young New Zealanders and the availability of this publication is likely to be shocking and distressing to this group. Whilst the excerpts from 'The Great Replacement' are lengthy and contain little or no analysis, their random and disjointed nature means they lack the cohesive and potentially influential narrative that was instrumental in the decision to make that publication objectionable. The inclusion of the excerpts is clearly to support the conspiracy theory the creator is promoting rather than an attempt to circumvent the objectionable classification of 'The Great Replacement'. There is also no suggestion that the creator is a supporter of the perpetrator, or trying to promote or glorify the perpetrator's actions or ideology in a surreptitious manner. The Classification Office has also considered the impact of the publication on survivors, and friends and relatives of the victims. Whilst the material is also likely to be distressing to these groups, the context in which it is presented means that it does not meet the high threshold of being considered objectionable under the criteria set out in the FVPC Act. In light of these considerations, the availability of 'New Zealand's Darkest Day?' is restricted to an audience of adults who are likely to have the critical skills to evaluate its merit and be able to distance themselves from the disturbing content and imagery. This classification limits the right to freedom of expression set out in the New Zealand Bill of Rights Act 1990 but is reasonable and justified in this case in order to prevent injury to the public good.